

# **ENVIRONMENTAL ADVISORY COUNCIL BY-LAWS**

## **CITY OF DULUTH**

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# ENVIRONMENTAL ADVISORY COUNCIL BY-LAWS

## CITY OF DULUTH

### ARTICLE I - IDENTITY

- 1.1 Name. This organization shall be known as the Environmental Advisory Council of the City of Duluth.
- 1.2 Address. The administrative offices and mailing address of the Council shall be Room 402, City Hall, Duluth, 55802.

### ARTICLE II - ORIGIN AND POWERS

- 2.1 Establishment. The Environmental Advisory Council was created by Resolution No. 97-0195R. The Council serves in an advisory capacity.

### ARTICLE III - DUTIES AND OBJECTIVES

- 3.1 Duties. The Council is designed to serve in an advisory capacity to the City Council, Administration and the community.
- 3.2 Objectives. The objectives of the Council are to: (a) develop and recommend to the City Council and Administration an environmental policy to guide city actions which involve environmental issues; (b) advise the City Council and Administration on environmental issues referred to it for review; (c) hear and review complaints and concerns from the public on environmental matters and recommend actions to be taken by the city where appropriate; (d) educate the city council, city administration, and community on environmental issues; and (e) recommend public initiatives on environmental matters to the city administration.

### ARTICLE IV - MEMBERSHIP

- 4.1 Number. Said Council shall consist of thirteen members. Four members will be non-voting ex-officio: a member of the Duluth City Council, Director of Planning and Development (or designee), Director of Public Works and Utilities (or designee), and Western Lake Superior Sanitary District appointee. The eight voting members appointed by the Mayor, subject to confirmation by the City Council shall be eligible voters residing within the city limits of Duluth. A minimum of four of these persons shall be selected from lists recommended by locally recognized environmental organizations. The Chairperson of the City Planning Commission Environmental Subcommittee shall also serve as the ninth voting member.

- 4.2 Terms. Members shall be appointed for terms of three years. Any vacancy in membership shall be filled by appointment by the Mayor, subject to confirmation by the City Council, and such vacancy appointments shall be for the unexpired term of the vacating members.
- 4.3 Removal. Member shall be subject to removal by the Mayor, for cause, but only after Council approval, after notice and opportunity for a hearing before the Council.
- 4.4 Absenteeism. If any member fails to attend three consecutive regular meetings of the Council without satisfactory explanation, notice of such failure shall be forwarded to the Mayor and Council with the request for removal of such member from the Council.
- 4.5 Expenses. Members shall serve without salary, but the cost of sending notices, preparing and distributing minutes and other clerical expenses shall be paid by the City from the General Fund together with such extraordinary expenses as are authorized by the City Council.

#### ARTICLE V - OFFICERS AND DUTIES

- 5.1 Titles. The officers of this Council shall be Chairperson, Vice Chairperson, and Secretary. The Chairperson and Vice Chairperson shall be voting members of the Council.
- 5.2 Chairperson. The Chairperson shall preside at all meetings, appoint committees, rule on procedural questions subject to reversal by a two-thirds vote of voting members in attendance, exercise the same voting rights as the other commissioners and carry out such other duties as are assigned by the Council.
- 5.3 Vice Chairperson. The Vice-Chairperson shall act in the absence or inability of the Chairperson to act and in such instances shall have the powers and functions of the Chairperson.
- 5.4 Secretary. The Secretary shall be responsible for notifying all members of meetings, drafting and circulating agendas, performing research work and preparing reports as are necessary to fully advise the Council of all facts on matters before the Council, keeping on file all official records and reports of the Council, keeping written record of Council meetings, transactions and actions, serving required notice of all public hearings and public meetings, maintaining and circulating minutes, reporting on and attending to correspondence of the Council and carrying out such other duties as are assigned by the Council. The Director of the City's Planning and Development Department (or designee) shall serve as Secretary.

## ARTICLE VI - ELECTION OF OFFICERS

- 6.1 Terms. Officers shall be elected by secret ballot at the annual meeting of the Council. Terms of office shall be for one year and no member shall hold the office of Chairperson or Vice Chairperson for more than two years consecutively. Officers shall serve until replaced by a duly elected officer in accord with these procedures.
- 6.2 Nominating Committee. The Chairperson may appoint a nominating committee to report to the Council prior to elections, but nomination of officers may also be made from the floor.
- 6.3 Majority Required. Candidates for office receiving a majority vote of the entire membership (five) shall be declared duly elected.
- 6.4 Vacancies. Vacancies occurring in offices of the Council shall be filled forthwith by regular election procedure.

## ARTICLE VII - MEETINGS

- 7.1 Annual Meetings. An annual organizational meeting shall be held in February of each year. Election of officers shall be conducted and proposed amendments to by-laws may be acted upon.
- 7.2 Regular Meetings. Regular meetings of the Council shall be held the **first Wednesday** of each month at 5:00 PM on the 4<sup>th</sup> Floor of City Hall or a place agreed upon by the Council at a prior meeting. In the event that the regular meeting date falls on a legal holiday, the meeting shall be rescheduled.
- 7.3 Public Hearings. All public hearings shall conform to the public meeting hearing law.
- 7.4 Special Meetings. Special meetings may be called at the discretion of the Chairperson, or at the written request of at least 3 members who shall convey such request to the Secretary.
- 7.5 Notice of Meetings. Notice in writing of annual meetings setting forth the time and place thereof shall be delivered to all Council members at least ten days in advance of such meetings; notice in writing of each regular meeting shall be sent to all Council members at least three days in advance of such meeting and notice in writing of any special meeting shall be sent to all Council members at least one day prior to such meeting and shall state the time, place and purpose of such meeting.

## ARTICLE VIII - PRE-MEETING PROCEDURES

- 8.1 Agenda. The agenda, together with briefing materials for each meeting of the Council, shall be developed in writing by the Secretary of the Council.

- 8.2 Agenda Items. Items shall not be placed on the agenda without prior approval of the Chairperson. Items to be considered for action shall be submitted no less than 10 days prior to the meeting.
- 8.3 Reports. The Secretary shall prepare minutes on all matters and shall mail such to Council members before the Council meeting at which time action may be taken.

#### ARTICLE IX - MEETING PROCEDURE

- 9.1 Rules of Order. Unless otherwise specifically designated, Roberts Rules of Order, as most recently revised, shall govern meeting procedure.
- 9.2 Quorum. A majority of the voting membership of the Council (five) shall constitute a quorum for meeting purposes; however, no less than three affirmative or negative votes shall be required to transact business or make binding decisions in behalf of the Council.
- 9.3 Conflict of Interest. Whenever a Council member shall have a direct or indirect personal or financial interest in an application or petition before the Council, such member shall declare such interest and shall not participate in any hearing on said matter; and shall in no event vote upon such matter. When there is a question as to the existence of a conflict of interest, the Chairperson shall make ruling thereon.
- 9.4 Suspension of Rules. The Council may temporarily suspend its rules by a three-fourths vote of members in attendance.
- 9.5 Public Participation. The public shall be given an opportunity to speak on all agenda items pursuant to provisions written below.
- 9.6 Dispensation. A motion must be made and voted upon in order to dispense with any item on the agenda.
- 9.7 Non-Agenda Matters. No binding or final action may taken on any matter not on the written agenda except by unanimous vote of the members in attendance or two-thirds vote of the entire membership.
- 9.8 Tabling. A tabling motion if passed has the effect of laying the matter over until the next regular meeting unless otherwise specified.
- 9.9 Notice of Appearance. Any person desiring to speak to the Council shall express that desire to the EAC Chairperson prior to the hearing of the matter in question, setting for the name and address and the matter in which he/she is interested.

- 9.10 Time Limits. At a public hearing the proponents and opponents of any petition or application shall be limited to a total presentation period of thirty minutes each. On any other item on the agenda the proponents and opponents shall be limited to a total presentation period of 15 minutes each. Excluding the applicant or their representative, no person shall speak more than 5 minutes on any one agenda item.
- 9.11 Order of Appearance. The proponents shall proceed first, and no person shall speak more than once on a matter before the Council unless in answer to a question by a Council member or staff member or following suspension of the rules, except that petitioner or their representative may be granted not more than seven minutes to rebut the opposition presentation.
- 9.12 Deliberations and Action. Following the period of public comment, the Council shall deliberate and take action on an item. Generally, public comment shall not be permitted during Council deliberative discussions; however, the Chairperson may request or authorize public comment to clarify deliberative issues.

#### ARTICLE X - COMMITTEES

- 10.1 Standing Committees. When need arises the Chairperson shall appoint an Ad Hoc Committee to take the matter under advisement and study.
- 10.2 Ex-Officio Membership. The Chairperson at his/her discretion may appoint non-voting ex-officio members to any standing committee.

#### ARTICLE XI - AMENDMENT OF BY-LAWS

- 11.1 Amendment Procedure. These by-laws and rules of procedure may be amended at the annual meeting by two-thirds vote of Councilors in attendance and notice and copies of any proposed amendments shall be given all commissioners along with meeting notice. Amendments may be made by two-thirds vote with appropriate notice.

#### ARTICLE XII - EFFECTIVE DATE

- 12.1 These by-laws shall take effect on (February 4, 2004).